

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-1411-AIR-E **TCEQ ID:** RN100219740 **CASE NO.:** 34541
RESPONDENT NAME: Huntsman Petrochemical Corporation

Page 1 of 2

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Huntsman Petrochemical Conroe Plant, 5451 Jefferson Chemical Road, Conroe, Montgomery County

TYPE OF OPERATION: Petrochemical manufacturing plant

SMALL BUSINESS: ☐ Yes ☒ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on January 14, 2008. No comments were received.

CONTACTS AND MAILING LIST:
TCEQ Attorney/SEP Coordinator: None
TCEQ Enforcement Coordinator: Ms. Kimberly Morales, Enforcement Division, Enforcement Team 5, MC R-12 (713) 422-8938; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171
Respondent: Mr. Joseph R. Castagna, Director, North American Specialties Manufacturing, Huntsman Petrochemical Corporation, P.O. Box 219, Conroe, Texas 77305
Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: August 6 and 14, 2007</p> <p>Date of NOV/NOE Relating to this Case: August 17, 2007(NOE)</p> <p>Background Facts: This was a records review.</p> <p>AIR</p> <p>Failure to submit an annual compliance certification within 30 days after the end of the September 1, 2005 to August 31, 2006 certification period. Specifically, the annual compliance certification was required to be submitted on or before September 30, 2006, but was not submitted until February 6, 2007 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(2), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit O-01384, General Terms and Conditions].</p>	<p>Total Assessed: \$3,950</p> <p>Total Deferred: \$790 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$3,160</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent submitted the annual compliance certification on February 6, 2007.</p>

Additional ID No(s): AIR MQ0012Q



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision September 19, 2007

TCEQ

DATES	Assigned	20-Aug-2007	Screening	29-Aug-2007	EPA Due	13-May-2008
	PCW	21-Sep-2007				

RESPONDENT/FACILITY INFORMATION

Respondent	Huntsman Petrochemical Corporation		
Reg. Ent. Ref. No.	RN100219740		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	34541	No. of Violations	1
Docket No.	2007-1411-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Kimberly Morales
Multi-Media		EC's Team	EnforcementTeam 5
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History Enhancement **Subtotals 2, 3, & 7**

Notes

Penalty enhancement due to 24 NOVs for unrelated violations (including 17 self-reported effluent violations) and two agreed orders containing a denial of liability. Penalty reduction due to three notice of audit letters and one disclosure of violations.

Culpability

 Enhancement**Subtotal 4**

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

 Reduction**Subtotal 5**

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

Notes

The Respondent submitted the annual compliance certification on February 6, 2007.

 Enhancement***Subtotal 6**

Total EB Amounts
Approx. Cost of Compliance

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal

OTHER FACTORS AS JUSTICE MAY REQUIRE

Adjustment

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty

DEFERRAL

Reduction

Adjustment

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

Screening Date 29-Aug-2007

Docket No. 2007-1411-AIR-E

PCW

Respondent Huntsman Petrochemical Corporation

Policy Revision 2 (September 2002)

Case ID No. 34541

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN100219740

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	24	48%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	3	-3%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	1	-2%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 83%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Penalty enhancement due to 24 NOVs for unrelated violations (including 17 self-reported effluent violations) and two agreed orders containing a denial of liability. Penalty reduction due to three notice of audit letters and one disclosure of violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 83%

Screening Date 29-Aug-2007		Docket No. 2007-1411-AIR-E		PCW		
Respondent Huntsman Petrochemical Corporation		<i>Policy Revision 2 (September 2002)</i>				
Case ID No. 34541		<i>PCW Revision September 19, 2007</i>				
Reg. Ent. Reference No. RN100219740						
Media [Statute] Air						
Enf. Coordinator Kimberly Morales						
Violation Number 1						
Rule Cite(s)		30 Tex. Admin. Code §§ 122.143(4) and 122.146(2); Tex. Health & Safety Code § 382.085(b), and Federal Operating Permit O-01384, General Terms and Conditions				
Violation Description		Failed to submit an annual compliance certification within 30 days after the end of the September 1, 2005 to August 31, 2006 certification period. Specifically, the annual compliance certification was required to be submitted on or before September 30, 2006, but was not submitted until February 6, 2007.				
Base Penalty					\$10,000	
>> Environmental, Property and Human Health Matrix						
OR	Harm					
	Release	Major	Moderate	Minor		
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>		
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		
Percent					0%	
>> Programmatic Matrix						
Falsification		Major	Moderate	Minor		
<input type="text"/>		<input checked="" type="text"/>	<input type="text"/>	<input type="text"/>		
Percent					25%	
Matrix Notes		The Respondent failed to comply with 100% of the rule requirement.				
Adjustment					\$7,500	
					\$2,500	
Violation Events						
Number of Violation Events		1		Number of violation days		
		130				
mark only one with an x	daily	<input type="text"/>				
	monthly	<input type="text"/>				
	quarterly	<input type="text"/>				
	semiannual	<input type="text"/>				
	annual	<input type="text"/>				
	single event	<input checked="" type="text"/>				
Violation Base Penalty					\$2,500	
One single event is recommended.						
Economic Benefit (EB) for this violation						
Statutory Limit Test						
Estimated EB Amount		\$11		Violation Final Penalty Total		
				\$3,950		
This violation Final Assessed Penalty (adjusted for limits)					\$3,950	

Economic Benefit Worksheet

Respondent Huntsman Petrochemical Corporation

Case ID No. 34541

Reg. Ent. Reference No. RN100219740

Media Air

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$650	30-Sep-2006	6-Feb-2007	0.4	\$11	n/a	\$11
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to submit an annual compliance certification. Date required is the date the certification was due.
Final date is the date the certification was submitted.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$650

TOTAL

\$11

Compliance History

Customer/Respondent/Owner-Operator:	CN600632848 Huntsman Petrochemical Corporation	Classification: AVERAGE	Rating: 5.64																																																																																																																																																
Regulated Entity:	RN100219740 HUNTSMAN PETROCHEMICAL CONROE PLANT	Classification: AVERAGE	Site Rating: 1.36																																																																																																																																																
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WASTEWATER LICENSING	LICENSE	WQ0000584000																																																																																																																																																	
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30094																																																																																																																																																	
Location:	5451 JEFFERSON CHEMICAL RD, CONROE, TX, 77301 Rating Date: 9/1/2006 Repeat Violator: NO																																																																																																																																																		
TCEQ Region:	REGION 12 - HOUSTON																																																																																																																																																		
Date Compliance History Prepared:	August 29, 2007																																																																																																																																																		
Agency Decision Requiring Compliance History:	Enforcement																																																																																																																																																		
Compliance Period:	August 29, 2002 to August 29, 2007																																																																																																																																																		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History																																																																																																																																																			
Name:	Kimberly Morales																																																																																																																																																		
Phone:	(713) 422-8938																																																																																																																																																		

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 06/15/2006 ADMINORDER 2005-1254-IWD-E
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Effluent Limits PERMIT
Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

Effective Date: 05/25/2007 ADMINORDER 2006-1692-AIR-E
Classification: Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(c)(1)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failed to submit semi-annual periodic reports required by 40 Code of Federal Regulations Subparts F and G
Classification: Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.103(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failed to maintain copies of all applicable records required to be maintained by 40 Code of Federal Regulations Subparts F and G.
Classification: Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.151(b)(2)(i)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(c)(1)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failed to submit an initial notification, a notification on compliance status, and semi-annual periodic reports within the time frames established by 40 Code of Federal Regulations Subparts F and G.
Classification: Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2515(b)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failed to submit an initial notification by March 9, 2004 for sources subject to the requirements of 40 Code of Federal Regulations Subpart FFFF.
Classification: Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT DDDDD 63.7545(b)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: 40 CFR Chapter 63.7545(b) PA
Description: Failed to submit an initial notification by March 12, 2005 for sources subject to the requirements of 40 Code of Federal Regulations Subpart DDDDD.
Classification: Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT PPP 63.1439(e)(5)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT PPP 63.1439(e)(6)(i)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failed to submit a notification of compliance status and semi-annual periodic reports within the time frames established by 40 Code of Federal Regulations Subpart PPP.
Classification: Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT PPP 63.1439(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failed to maintain copies of all applicable records required to be maintained by 40 Code of Federal Regulations Subpart PPP.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	08/31/2002	(8585)
2	09/25/2002	(158167)
3	09/26/2002	(12365)
4	10/08/2002	(9790)
5	10/22/2002	(158170)
6	11/01/2002	(14300)
7	11/22/2002	(158174)
8	12/27/2002	(158178)
9	01/27/2003	(158182)
10	02/03/2003	(18971)
11	02/24/2003	(158141)
12	02/24/2003	(21640)
13	03/24/2003	(158144)
14	04/10/2003	(26996)
15	04/15/2003	(158149)
16	05/07/2003	(27342)
17	05/27/2003	(158153)
18	06/20/2003	(158157)
19	07/21/2003	(158161)
20	08/25/2003	(295374)
21	08/26/2003	(151731)
22	09/25/2003	(295376)
23	10/24/2003	(295379)
24	11/24/2003	(295380)
25	12/29/2003	(295381)
26	01/13/2004	(254364)
27	01/20/2004	(295382)
28	02/25/2004	(295363)
29	03/29/2004	(295366)
30	04/26/2004	(295367)
31	06/01/2004	(295369)
32	06/22/2004	(295371)
33	07/26/2004	(352108)
34	08/24/2004	(352109)
35	09/23/2004	(352110)
36	10/20/2004	(352111)
37	11/29/2004	(352112)
38	12/20/2004	(381852)
39	12/28/2004	(344704)
40	01/05/2005	(284399)
41	01/25/2005	(381853)
42	02/25/2005	(419677)
43	03/28/2005	(381851)
44	03/31/2005	(373976)
45	04/12/2005	(376326)
46	04/22/2005	(378192)
47	04/25/2005	(419678)
48	04/28/2005	(343772)
49	05/26/2005	(419679)
50	06/23/2005	(419680)
51	06/29/2005	(394691)
52	07/05/2005	(397030)
53	07/21/2005	(440817)
54	08/23/2005	(440818)
55	09/07/2005	(406269)
56	09/23/2005	(440819)
57	10/03/2005	(406724)
58	10/24/2005	(440820)
59	11/22/2005	(468404)
60	12/21/2005	(437792)
61	12/27/2005	(468405)
62	01/23/2006	(468406)
63	02/17/2006	(468403)
64	03/16/2006	(498173)
65	03/30/2006	(452371)
66	03/30/2006	(452372)
67	04/24/2006	(498174)
68	05/22/2006	(498175)

69 06/20/2006 (498176)
 70 06/28/2006 (484411)
 71 07/25/2006 (520181)
 72 08/15/2006 (497418)
 73 08/15/2006 (520182)
 74 08/24/2006 (484505)
 75 09/25/2006 (544469)
 76 10/23/2006 (544470)
 77 11/21/2006 (544471)
 78 12/01/2006 (515599)
 79 12/07/2006 (532683)
 80 12/20/2006 (544472)
 81 12/21/2006 (518533)
 82 01/25/2007 (544473)
 83 02/05/2007 (537479)
 84 02/22/2007 (541102)
 85 03/14/2007 (535412)
 86 04/16/2007 (555399)
 87 06/13/2007 (563111)
 88 08/17/2007 (571064)
 89 08/22/2007 (563198)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 02/03/2003 (18971)
 Self Report? NO Classification: Moderate
 Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
 Description: Failure to operate to prevent atmospheric release from a safety relief valve.
 Date: 04/09/2003 (26996)
 Self Report? NO Classification: Moderate
 Rqmt Prov: OP Page 2c, no. 1
 Description: Failure to prevent the discharge of an unauthorized waste stream of boiler and cooling tower blowdown water from stormwater outfall 002.
 Date: 05/31/2003 (158157)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 02/29/2004 (295366)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 03/31/2004 (295367)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 05/31/2004 (295371)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 06/30/2004 (352108)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 11/30/2004 (381852)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 12/31/2004 (381853)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 01/05/2005 (284399)

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT 6068 Special Condition 1		
Description:	Exceeded permit limit during an avoidable emissions event.		
Date:	02/28/2005 (381851)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	03/31/2005 (419678)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	04/11/2005 (376326)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Rqmt Prov:	PERMIT No. 00584-000 Page 2, No. 1		
Description:	Failure to maintain compliance with the permitted effluent limits for Carbonaceous Biochemical Oxygen Demand (CBOD), Chemical Oxygen Demand (COD), Total Sulfate, and Flow.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Rqmt Prov:	PERMIT No. 00584-000 Page 2, No. 1		
Description:	Failure to maintain compliance with the permitted effluent limits.		
Date:	06/30/2005 (440817)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	08/31/2005 (440819)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	12/21/2005 (437792)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 335, SubChapter A 335.6(c)		
Description:	Failure to update the facility's Notice of Registration (NOR).		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 335, SubChapter C 335.69(a)[G] 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)		
Description:	The facility exceeded the accumulation time limit for hazardous waste.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 335, SubChapter C 335.69(a)(2) 30 TAC Chapter 335, SubChapter C 335.69(a)(3) 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(2) 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(3)		
Description:	Failure to label containers with words "Hazardous Waste" and mark accumulation date.		
Date:	12/31/2005 (468406)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	03/31/2006 (498174)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	06/30/2006 (520181)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	08/31/2006 (544469)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		

Description: TWC Chapter 26 26.121(a)[G]
 Failure to meet the limit for one or more permit parameter
 Date: 09/30/2006 (544470)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 10/31/2006 (544471)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 12/01/2006 (515599)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: PERMIT 00584-000
 Description: Failure to prevent the unauthorized discharge of process wastewater from outfall
 002.
 Date: 12/21/2006 (518533)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PERMIT TCEQ Permit No. 6237
 Description: The RD-71 expansion chamber ruptured and released ethylene oxide to the
 atmosphere. Operators isolated the section of piping where the release occurred
 and the deluge system was activated to spray water over the release to control
 emissions. The internal structural component of the expansion chamber was
 repaired.

F. Environmental audits.

Notice of Intent Date: 06/10/2005 (398396)
 No DOV Associated
 Notice of Intent Date: 04/21/2006 (467490)
 Disclosure Date: 09/29/2006
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter B
 Description: Failure to control venting from tank T-E-51, containing VOCs (crude MMEA).
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter B
 Description: Failure to control vent emissions from tank T-G-43 during certain filling events.
 Notice of Intent Date: 06/21/2006 (486577)
 No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
HUNTSMAN PETROCHEMICAL
CORPORATION
RN100219740**

§ **BEFORE THE**
§
§ **TEXAS COMMISSION ON**
§
§
§ **ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-1411-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Huntsman Petrochemical Corporation ("Huntsman") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Huntsman appear before the Commission and together stipulate that:

1. Huntsman owns and operates a petrochemical manufacturing plant at 5451 Jefferson Chemical Road in Conroe, Montgomery County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and Huntsman agree that the Commission has jurisdiction to enter this Agreed Order, and that Huntsman is subject to the Commission's jurisdiction.
4. Huntsman received notice of the violations alleged in Section II ("Allegations") on or about August 22, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Huntsman of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Three Thousand Nine Hundred Fifty Dollars (\$3,950) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Huntsman has paid Three Thousand One Hundred Sixty Dollars (\$3,160) of the administrative penalty and Seven Hundred Ninety Dollars (\$790) is deferred contingent upon

Huntsman's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Huntsman fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Huntsman to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Huntsman have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that Huntsman submitted the annual compliance certification on February 6, 2007.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Huntsman has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, Huntsman is alleged to have failed to submit an annual compliance certification within 30 days after the end of the September 1, 2005 to August 31, 2006 certification period, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(2), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit O-01384, General Terms and Conditions, as documented during a record review conducted on August 6 and 14, 2007. Specifically, the annual compliance certification was required to be submitted on or before September 30, 2006, but was not submitted until February 6, 2007.

III. DENIALS

Huntsman generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Huntsman pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Huntsman's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Huntsman Petrochemical Corporation, Docket No. 2007-1411-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The provisions of this Agreed Order shall apply to and be binding upon Huntsman. Huntsman is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against Huntsman in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Huntsman, or three days after the date on which the Commission mails notice of the Order to Huntsman, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John S. Miller
For the Executive Director

Date 1/11/08

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Joseph R. Castagna
Signature

11-5-07
Date

Joseph R. Castagna
Name (Printed or typed)
Authorized Representative of
Huntsman Petrochemical Corporation

Director, North American Specialties
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

